IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.898 OF 2006

Balgonda Paigonda Patil ..Petitioner.

Vs.

Satgonda Paigonda Patil & anr. .. Respondents.

...

Mr. A.M. Kulkarni for the Petitioner.
Ms. Archana Kologi instructed by Mr. T.S. Ingale for Respondent No.1.

CORAM: DR.D.Y.CHANDRACHUD, J.

10th April, 2006**.**

P.C. :

The learned Trial Judge has noted that the suit of 1994 came to be decided in 1999 and it was in the appeal (Regular Civil Appeal 142 of 1999) that an application at Exh.42 was taken out on 2nd December, 2005. At the present stage, the interference of the Court is not warranted since it is stated that the appeal is already ripe for hearing. However, while dismissing the Petition it is clarified that if the Petitioner is still aggrieved after the disposal of the appeal, it would be open to him to challenge the order of the First Appellate Court on all grounds, which are available in law including the refusal of the amendment to the written statement. With these observations, the Petition is disposed of.